

May 4, 2016

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: WT 08-7, Petition Seeking Declaratory Clarifying the Regulatory Status of
Mobile Messaging Services**

Dear Ms. Dortch,

Throughout the course of this proceeding, a number of commenters have demonstrated that mobile operator blocking of text messages constitutes a public safety risk. Aerialink, Inc. (“Aerialink”) agrees. For that reason alone, the Commission should put an end to the unfettered carrier blocking that pervades the industry and denies consumers these messages.

During a recent exchange between Aerialink and one of its customers, one or more mobile operators blocked text messages to the victim of a violent assault and a state official about the violent criminal being released from jail. Nearly every state¹ is attempting to utilize text messaging as a means of informing victims and other relevant members of the public about prisoner releases, such as the one at issue here. It is an entirely opt-in service that provides, for example, victims of crime “with free, confidential notification regarding an offender’s release, transfer or escape.”² As one female stalking victim stated, “. . . had my life turned upside down. Feeling safe means knowing my stalker is behind bars and taking precautions when he is out of jail.”³ Mobile operator blocking and arbitrary message filtering without notice has created and perpetuates a public safety risk.

¹ For example, according to Victim Information and Notification Everyday (VINE) 48 states now use VINE to provide free notifications to victims of crime and the general public that elect to receive such notifications. See <http://www.appriss.com/vinevideo.html>.

² See <http://pcv.pccd.pa.gov/available-services/Pages/Register-for-Offender-Release-Notification.aspx#.VyN6D53D8iT>.

³ See http://pcv.pccd.pa.gov/available-services/Documents/PA_PSA.mpg.

The Commission should use its ample authority to prevent blocking and ensure that the public is able to receive the text message communications of their choosing, just like any other type of call. No one should be injured, harmed, or something worse because a text message was blocked.

Providers, like Aerialink employ rigorous procedures to ensure that its network and the networks Aerialink interacts with are not abused or otherwise defrauded. Aerialink and other good providers utilize network monitoring, analysis techniques, and customer reviews to ensure that consumers are not sent undesired, “spam” messages. The Commission could readily extend such network cooperation and management practices to all providers to protect consumers and ensure that messages are not unilaterally blocked by mobile operators.

If you have any questions or need additional information, please contact me.

Sincerely,



Chris Currie
CEO
Aerialink, Inc.

Attachment

REDACTED

From:
Date: April 20, 2016 at 10:25:34 PM EDT
To: Chris Currie <chris.currie@aerialink.com>
Cc:

Subject: Re: issues with a SMS not received

Chris,

Your support team has been very responsive and we appreciate that.

To provide you with some background on this, and please use discretion with this information, but a victim of a violent assault was supposed to receive a notification about an offender being released from jail. So was her neighbor, who also happens to be the director of the victim notification program in the state of

I have let our team that handles the customer-facing side of this know that the carriers have said the messages were delivered to the handsets, but I have to say it seems really odd that across two different carriers the same message for the same event would be reported as missing by two different people.

I did not ask the support team, but can the carriers determine when the message was delivered to the handset? It might help us to know when it was delivered so that we determine if there was a delay on the carrier side. It is possible your support group already did this, but I am not sure.

We cannot at this time do any testing with the numbers involved. It may come to that if they ultimately request or agree to that, but for now, we are limited to just trying to do an analysis of what happened based on the data we have, and of course any data the carriers may have.

So, if there is any more information you can dig out of this situation, we would appreciate it.

Thanks,

Date: Monday, April 18, 2016 at 6:31 PM
To: Chris Currie <chris.currie@aerialink.com>
Subject: RE: issues with a SMS not received

Thank you!

REDACTED

----- Original message -----

From: Chris Currie <chris.currie@aerialink.com>
Date: 4/18/2016 18:20 (GMT-05:00)
To:
Subject: Re: issues with a SMS not received

Hi

is escalating to Verizon on this. They are reporting delivery of the message, so it is likely either a end user mobile device or a corner case.

We will keep you updated in the ticket and if you need anything at all anytime, just call.

Thanks,
Chris

Chris Currie
chris.currie@aerialink.com
Call or Text: 1.563.449.9477, ext. 121
Aerialink
Mobile Data Communications
www.aerialink.com

From: Chris Currie <chris.currie@aerialink.com>
Date: Monday, April 18, 2016 at 3:46 PM
To:
Subject: Re: issues with a SMS not received

Hi

Could be an issue with the end user mobile. I confirmed that our support team is running a trace now. from our team has your ticket.

Thanks.

Chris Currie
chris.currie@aerialink.com
Call or Text: 1.563.449.9477, ext. 121
Aerialink
Mobile Data Communications
www.aerialink.com

From:
Date: Monday, April 18, 2016 at 2:59 PM
To: Chris Currie <chris.currie@aerialink.com>
Subject: issues with a SMS not received

Chris,

I am currently investigating an issue where at least 3 text messages were not received by our customers. I see in the system that at least one of these shows up as delivered, however I am unclear what this means in terms of actual status.

REDACTED

Does this mean it was handed off to the carrier?

Would the carrier be able to investigate why a customer did not receive a text?

COMM./ TYPE	FROM	TO	OPERATOR COUNTRY	CREATED	SCHEDULED	PROCESSED	COMPLETED	LATENCY	OPERATOR	DELIVERY	DELIVERY RECEIPT
SMS / MT	16508357100	17175521357	United States of America or Canada	2016-04-14 07:42:01.773 AM CDT	Immediate	2016-04-14 07:42:01.833 AM CDT	2016-04-14 07:42:01.982 AM CDT	0.209	VERIZON WIRELESS	Delivered	Delivered
GUID f22946e5-c8b7-4b34-a427-04d7be358059 MESSAGE was released from custody on 04/14/16. Info for victims: 717-267-1575. Emergency? Call 911.											

Thanks,

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